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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/754,391

01/09/2004

Daniel H. Schneider

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EXAMINER

SKURDAL, COREY NELSON

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,391

Applicant(s)

SCHNEIDER, DANIEL H.

Examiner

Corey N. Skurdal

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/9/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-6, 9-17, 21-23, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the fender support" in line 11. There is insufficient antecedent basis for these limitations in the claims.

Claim 9 recites the limitation "along the first mounting axis" and "the second mounting axis" in line 5 and 6. Previous, there has only been defined "at least one mounting axis" and a first and second axis have not been defined. There is insufficient antecedent basis for these limitations in the claims.

Claim 13 recites the limitation "the first attachment axis" and "the second attachment axis" in line 22 and 23. There is insufficient antecedent basis for these limitations in the claims.

Claim 21 recites the limitation "between the first mounting point and the second mounting point" in line 17. There is insufficient antecedent basis for these limitations in the claims.

Claim 27 recites the limitation "the saddlebag frame" in line 8. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, 18-20, and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Rixen (DE 19,827,973).

Regarding claims 1, 8, 18-20, and 26-27 Rixen discloses a saddlebag mounting system as claimed including a saddlebag 2, with saddlebag frame 1 fixedly attached to the saddlebag. The saddlebag frame includes a hook member 13 extending a distance from the saddlebag and integrally formed as part of the saddlebag frame (Fig. 4 and 5), the hook being adapted to couple a portion of the motorcycle to partially support the saddlebag. Furthermore, Rixen discloses a saddlebag mounting system with saddlebag mount 10 attached to the motorcycle fender by bar 5 attached at first and second mounting points 20 and 21. The hook 13 is adapted to engage the bar 5 to support the saddlebag, effectively satisfying the claims. See Fig. 5.

5. Claims 1, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell (US 6,499,638).

Regarding claims 1, and 8 Campbell discloses a saddlebag mounting system essentially as claimed, including: a saddlebag 1; a saddlebag frame 3 fixedly attached to the saddlebag; and a hook member 5 integrally formed as part of the saddlebag said hook adapted to couple a portion of the motorcycle and partially support the saddlebag.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 7, 9-12, 16, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rixen in view of Monson (US 2003/0122002).

Regarding claims 2 and 3, Rixen discloses the invention substantially as claimed including a saddlebag mounting system with saddlebag mount 10 attached to the motorcycle fender by bar 5 attached at first and second mounting points 20 and 21. The hook 13 is adapted to engage the bar 5 to support the saddlebag, effectively satisfying the claims. See Fig. 5. Rixen does not disclose that the mounting system is secured to the fender support of a motorcycle, or the use of a yoke member engageable with the motorcycle. However, Monson teaches the use of a saddlebag mounting system attached to a fender support 14 for the purpose of secure attachment. Monson also teaches the use of a yoke member 94' (Fig. 3A) formed as part of the saddlebag frame 44" for the purpose of supporting the saddlebag. Therefore it would have been obvious to one skill in the art at the time of invention to provide Rixen with attachment to the motorcycle fender support in order to increase the strength of the attachment point, and also to provide the saddlebag frame of Rixen with a yoke member extending from the motorcycle in order to provide additional support for the saddlebag.

Regarding claims 7, 16, 28, and 29 the modified Rixen device discloses the claimed invention including the yoke member of Monson integrally formed as part of the saddlebag for support, and hook member 13 integrally formed in the frame also for support of the saddlebag.

Regarding claims 9 the modified device of Rixen discloses a saddlebag and a mounting system as claimed, including a first and second mounting axis disposed through the first and second mounting holes 20 and 21, along with an attachment axis disposed through mount member 19 whereby the mounting axes and attachment axis are not aligned.

Regarding claims 10-12 the modified device of Rixen discloses a hook member 5 integrally formed as part of the saddlebag said hook adapted to couple a portion of the motorcycle and partially support the saddlebag along mounting bar 5 extending along the fender support.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rixen in view of Seibel (US 6,347,804). The modified Rixen device discloses the invention substantially as claimed but does not have a pair of spacers for supporting an accessory. However, Seibel teaches the use of saddlebag mounting member 24 with spacer's 36a for the purpose of supporting an accessory such as a backrest. Therefore it would have been obvious to one skill in the art at the time of invention to provide the mounting system of Campbell with spacers at behind mounting holes 20 and 21 (of Rixen) in order to provide an additional mounting point for accessories.

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8. Claims 2-5, 7, 9-14, 16-22, 24, and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Monson (US 2003/0122002). Refer to Figure 1.

Regarding claims 2 and 7, Campbell discloses the claimed invention substantially as claimed including: a mounting system with hook 5 adapted to engage the mount 2. Campbell does not disclose that the mounting system is secured to the fender support of a motorcycle, or the use of a yoke member engageable with the motorcycle. However, Monson teaches the use of a saddlebag mounting system attached to a fender support 14 for the purpose of secure attachment. Monson also teaches the use of a yoke member 94' (Fig. 3A) formed as part of the saddlebag frame 44'' for the purpose of supporting the saddlebag. Therefore it would have been obvious to one skill in the art at the time of invention to provide Campbell with attachment to the motorcycle fender support in order to increase the strength of the attachment point, and also to provide the saddlebag frame of Campbell with a yoke member extending from the motorcycle in order to provide additional support for the saddlebag.

Regarding claims 3, 4, and 5, the modified device of Campbell discloses a saddlebag mount including: a bar 2 attached to the fender support by first and second mounting points 10, spaced a distance from each other; first and second attachment members 8 adapted to couple the saddle bag, each attachment member being disposed between said mounting points; and first and second pins 6 engageable with said first and second attachment members.

Regarding claim 9, the modified device of Campbell discloses a saddlebag and a mounting system as claimed, including a first and second mounting axis disposed through the first and second mounting holes 10, along with an attachment axis disposed through the attachment points, whereby the mounting axes and attachment axis are not aligned.

Regarding claims 10 and 11 the modified device of Campbell discloses a hook member 5 integrally formed as part of the saddlebag said hook adapted to couple a portion of the motorcycle and partially support the saddlebag.

Regarding claims 12 and 13, the modified Campbell device discloses the claimed invention including a bar 2 attached along the fender support of Monson 14, wherein the bar includes first and second attachment members 8 with surfaces disposed between the first and second attachment axes, the attachment members adapted to couple the saddlebag.

Regarding claim 14, the modified Campbell device discloses first and second pins 6 engageable with attachment members 8 on the saddlebag mount.

Regarding claims 16, 24, 28, and 29 the modified Campbell device discloses the claimed invention including yoke support 94' engageable with the motorcycle to partially support the saddlebag.

Regarding claim 17, the modified Campbell device discloses mounting axes (A in Figure 1 shown below) and attachment axes (B in Figure 1 shown below) in the claimed configuration including mounting axes through parallel spaced holes 10, and attachment axes oriented parallel each other and between said mounting axes.

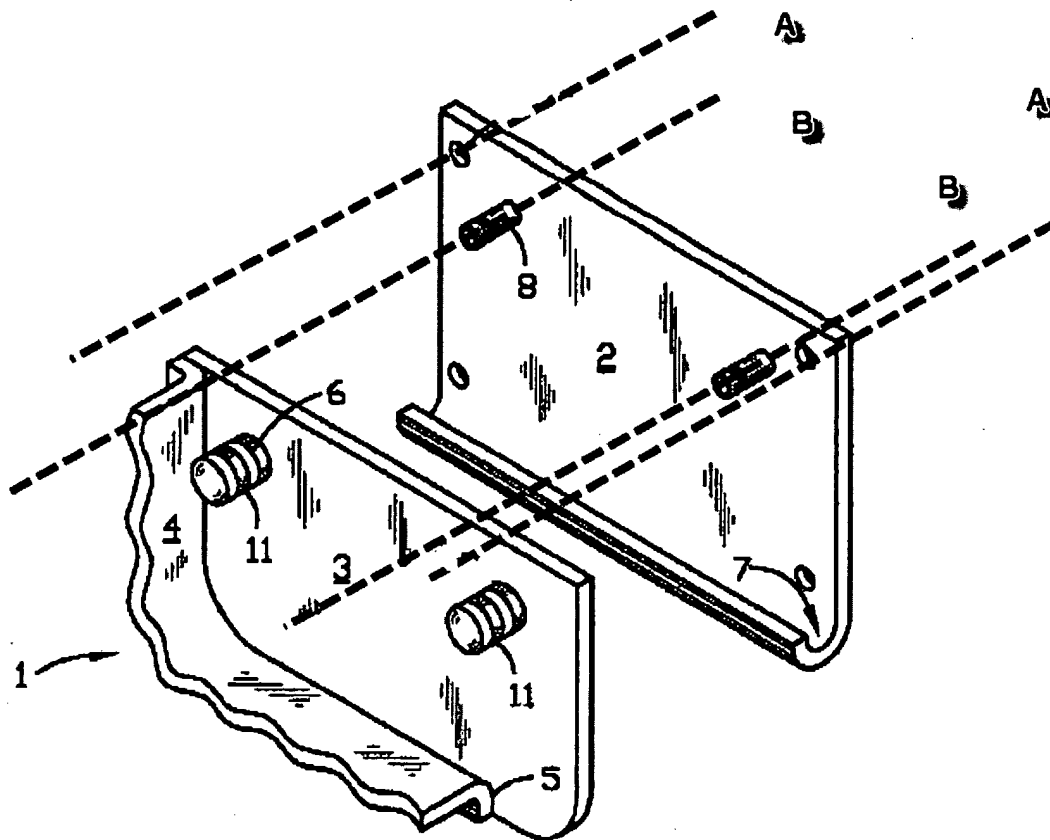


Figure 1

Regarding claim 18 the modified Campbell device discloses a saddlebag mounting system with saddlebag 1, a saddlebag mount including bar 2 extending along the motorcycle, and a saddlebag frame 3, which engages the bar and supports the saddlebag.

Regarding claims 19 and 20, the modified Campbell device discloses a hook member 5 integrally formed as part of the saddlebag said hook adapted to couple a portion of the motorcycle and partially support the saddlebag.

Regarding claims 21 and 22, the modified Campbell device discloses the bar 2 with first and second attachment members 8 adapted to couple the saddle bag, each attachment member being disposed between mounting points 10 and first and second pins 6 engageable with said first and second attachment members.

Regarding claims 26, and 27 Campbell discloses a saddlebag mounting system essentially as claimed, including: a saddlebag 1; a saddlebag frame 3 fixedly attached to the saddlebag; and a hook member 5 integrally formed as part of the saddlebag said hook adapted to couple a portion of the motorcycle and partially support the saddlebag.

Regarding claim 30 the modified device of Campbell discloses first and second pins 6, each being engageable with the saddlebag and motorcycle.

Regarding claims 7, 16, 24, and 28-29, Campbell substantially discloses the claimed invention but Monson further teaches the use of a substantially discloses the claimed invention b

9. Claims 6, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Monson and in further view of Ralph et al (US 2,887,753). The modified Campbell device discloses the invention substantially as claimed as applied in paragraph 6 above, but the modified Campbell device does not disclose first and second pin members with a cam surface that engages the first and second attachment members. However, Ralph et al teaches the use of a fastening device with quick connect and disconnect ability with pin 12, cam surface 11, S-spring 10 wherein the cam surface engages the spring. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to exchange the quick disconnect pins

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and attachment members of Campbell with the quick disconnect pin 12 and attachment member 10 of Ralph et al, in order to increase the strengthen of the attachment points.

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Monson as applied to claim 18 above, and further in view of Seibel (US 6,347,804). The modified Campbell device discloses the invention substantially as claimed but does not have a pair of spacers for supporting an accessory. However, Seibel teaches the use of mounting member 24 with spacer's 36a for the purpose of supporting an accessory such as a backrest. Therefore it would have been obvious to one skill in the art at the time of invention to provide the mounting system of Campbell with spacers at behind mounting holes 10 in order to provide an additional mounting point for accessories.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aron (US 6,293,450) discloses a quick disconnect mounting system for a saddlebag. Thomas (US 5,406,816) discloses a mounting apparatus for a cycle. Montgomery et al. (US 3,903,944) discloses a bag for a cycle with a hook attachment member. Katz et al. (US 5,271,540) discloses a rack for a cycle having a hook member. Bayerische (DE 3,226,455) discloses a saddlebag attached to a motorcycle by a hook.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNS


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SUPERVISORY PATENT EXAMINER